

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 24

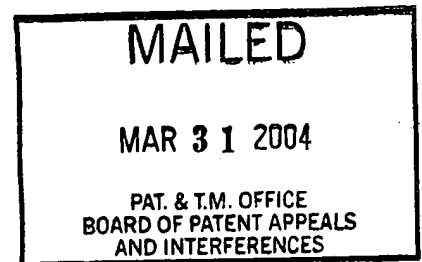
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THADDEUS SCHROEDER, MICHEL F. SULTAN,
and ANDRZEJ M. PAWLAK

Appeal No. 2003-0112
Application No. 09/663,030

ON BRIEF



Before COHEN, STAAB, and NASE, Administrative Patent Judges.
COHEN, Administrative Patent Judge.

ON REMAND TO THE EXAMINER

Regrettably, we must remand this application to the examiner prior to rendering a decision on the merits for the reason given below.

The examiner has rejected claim 1, in particular, as being anticipated by the Taig patent. To be anticipatory, the Taig reference must teach or inherently include every single claimed aspect of claim 1. Claim 1 expressly includes the limitation of

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a "piezoresistive" sensor. In the rejection of claim 3, a claim dependent from claim 1, the examiner views the strain gauge 94 of Taig as a resistor strain gauge and specifically acknowledges that Taig "does not disclose whether it is a piezoresistor" (answer, page 3). On its face, the examiner's latter finding that Taig does not disclose a "piezoresistor" sensor runs counter to the aforementioned determination by the examiner that claim 1 is anticipated by the Taig patent. We remand to the examiner to remedy the problem addressed above. Appellants should be given the opportunity to respond to action taken by the examiner.

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This application, by virtue of its "special" status, requires an immediate action, MPEP § 708.01 (Eighth Edition, Aug. 2001), item (D). It is important that the Board of Patent Appeals and Interferences be promptly informed of any action affecting the appeal in this case.

REMANDED



IRWIN CHARLES COHEN
Administrative Patent Judge

Lawrence, Jacob

LAWRENCE J. STAB
Administrative Patent Judge

JEFFREY V. NASE

JEFFREY V. NASE
Administrative Patent Judge

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